

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOLOMON XAVIER THOMPSON,

Plaintiff,

v.

BRIAN WASHINGTON, et al.,

Defendants.

CASE NO. C24-0779JLR

ORDER

I. INTRODUCTION

This matter comes before the court on the report and recommendation of United States Magistrate Judge S. Kate Vaughan. (R&R (Dkt. # 7).) *Pro se* Plaintiff Solomon Xavier Thompson did not object to the report and recommendation. (*See generally* Dkt.) Having carefully reviewed the foregoing, along with all other relevant documents, and the governing law, the court ADOPTS the report and recommendation (Dkt. # 7) and DISMISSES Mr. Thompson's complaint without prejudice.

II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations *de novo* if objection is made, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*). When no objections are filed, the court need not review *de novo* the report and recommendation. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).

III. DISCUSSION¹

Mr. Thompson, a former inmate at the Monroe Correctional Complex Sky River Treatment Center in Monroe, Washington (*See* Compl. (Dkt. # 5) at 1), filed a complaint under 42 U.S.C. § 1983 naming correctional officers Brian Washington, Keri Walters, and Robert Fuller as defendants (together, the "Defendants").² On July 12, 2024, Magistrate Judge Vaughan issued an order declining to serve Mr. Thompson's complaint on the Defendants and granting Mr. Thompson leave to amend his complaint. (7/12/2024 Order (Dkt. # 6).) In that order, Magistrate Judge Vaughan found that Mr. Thompson's

¹ Magistrate Judge Vaughan detailed the factual background of this case in the report and recommendation and the court does not repeat that background here. (R&R at 1-3.)

² As stated in the report and recommendation, Magistrate Judge Vaughan did not, and the undersigned also does not, construe "Department of Enterprise: Corrections Division" as a defendant in this case. (*See* R&R at 1 n.1.)

1 complaint failed to state a claim because Mr. Thompson (1) did not specify a
2 constitutional right that was allegedly violated by the Defendants' actions; and (2) did not
3 identify the relief that Mr. Thompson seeks. (*Id.* at 3-4.) The order provided that if Mr.
4 Thompson failed to timely file an amended complaint, or if Mr. Thompson filed an
5 amended complaint that failed to correct the identified deficiencies, Magistrate Judge
6 Vaughan would recommend that Mr. Thompson's case be dismissed. (*Id.*)

7 Mr. Thompson did not file an amended complaint or otherwise respond to
8 Magistrate Judge Vaughan's order. (*See generally* Dkt.) Magistrate Judge Vaughan
9 accordingly recommended that Mr. Thompson's case be dismissed. (R&R at 1.) Mr.
10 Thompson did not file objections before the September 19, 2024 deadline. (*Id.* at 3-4; *see*
11 *generally* Dkt.) The court has reviewed Magistrate Judge Vaughan's report and
12 recommendation and agrees with the reasoning and conclusions set forth therein.
13 Accordingly, the court ADOPTS the report and recommendation and DISMISSES Mr.
14 Thompson's complaint, and this action, without prejudice.

15 IV. CONCLUSION

16 For the foregoing reasons, the court hereby ORDERS as follows:

17 (1) The court ADOPTS the report and recommendation (Dkt. # 7) in its entirety;

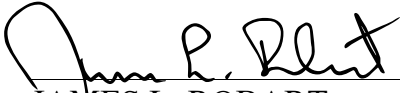
18 (2) The court DISMISSES Mr. Thompson's complaint (Dkt. # 5) and this action
19 without prejudice; and

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1 (3) The court DIRECTS the Clerk to send copies of this order to Mr. Thompson,
2 to counsel for the Defendants, and to Magistrate Judge Vaughan.
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4 Dated this 2nd day of October, 2024.

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6 JAMES L. ROBART
7 United States District Judge
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